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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WEI, Guang-Xue et al.

Serial No.: 09/710,560

Filed: November 9, 2000

For: FLUORESCENT POLYMER
ARTICLES FABRICATED FROM U.V.
LIGHT ABSORBING POLYMER

Confirmation No.: 5131

) Examiner: Duc Truong

) Art Unit: 1711

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)
) I hereby certify that this correspond-
) ence is being deposited with the U. S.
) Postal Service as first class mail in an
) envelope addressed to: Commissioner of
) Patents and Trademarks, Washington,
) D.C. 20231, on Feb. 21, 2003

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)
) *Paulette Haseltine*
) PAULETTE HASELTINE

RESPONSE TO OFFICE ACTION

Honorable Commissioner of
Patents and Trademarks
Box Non-Fee Amendment
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action mailed December 4, 2002. In that action, the Examiner rejected pending claims 1-33 for obviousness-type double patenting in view of co-pending application no. 09/710,560, which has since issued as U.S. 6,514,594 B1. Specifically, the Examiner stated

"Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between [the] two applications are the fluorescent dye and the polymeric resin matrix of the instant claims are not in the fluorescent polymeric layer and the ultraviolet screening layer, as in the claims of the reference."

The '594 patent relates to a structure wherein a U.V. light screening layer, comprising a polymer having in its backbone repeating units of a U.V. light absorbing moiety, or a moiety

capable of being transformed by Photo-Fries rearrangement into a U.V. light absorbing moiety, is disposed in operative screening relation to a layer containing a fluorescent colorant. By contrast, the instant invention relates to a structure comprising a polymeric resin matrix, the matrix comprising a polymer as described above and a fluorescent colorant. As discussed in the prosecution of the '594 patent, fluorescent colorants are extremely photosensitive, and the behavior of different fluorescent colorants in different polymer matrices is inherently unpredictable. In particular, one cannot predict the color durability of different fluorescent colorants in different polymer matrices (see, "Declaration of Drew J. Buoni Under 37 CFR 1.132," ¶ 3, submitted in connection with prior 09/710,560, a copy of which is submitted herewith for the Examiner's reference). As such, it could not have been predicted that the fluorescent colorants in the claimed polymer matrix would have had superior weatherability, as set forth in the examples at page 28-32 of the instant application.

The Examiner's reference to claims 26 and 27 of the instant application is respectfully not understood. Claim 26 describes an embodiment wherein microprismatic cube corners are on a surface of the claimed polymer matrix layer. Claim 27 describes an embodiment wherein microprismatic cube corners are on a surface of a second light transmissible layer. It would not have been obvious from these claims to have the fluorescent colorant in a layer separate from the layer containing the claimed polymer, as claimed in the reference. As to the showing of unexpected results, the Examiner is once again referred to the data in the examples at pages 28-32 of the instant specification.

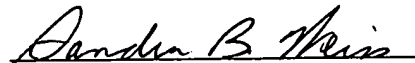
Nevertheless, without agreeing with the grounds of the rejection, but merely to expedite the prosecution of this application, applicant submits herewith a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent. Since the instant application and the

application for U.S. 6,514,594 were filed on the same day, they will expire on the same day, and the filing of this Terminal Disclaimer will have no adverse effect on the actual term of any patent that will issue hereon.

In view of the foregoing, a Notice of Allowance is respectfully requested.

Submitted herewith is a check in the amount of \$110.00 to cover the fee for filing the Terminal Disclaimer under 37 C.F.R. 1.20(d).

Respectfully submitted,



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